

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

OSCAR J. GARCIA,  
MARILYN M. PRADO,  
CRISTOBAL I. YUCUPICIO,  
VICTOR M. AVALOS, and  
CAROLINA B. LARA,

Defendants.

**4:16MJ3020**

**ORDER**

Defendant Victor M. Avalos has moved to continue the preliminary hearing currently set for March 22, 2016. (Filing No. 64). As explained in the motion, defense counsel is not available during the current hearing setting. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Avalos's motion to continue, (filing no. 64), is granted.
- 2) **As to all defendants**, the preliminary hearing of this case is set to commence before the undersigned in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 2:00 p.m. on March 31, 2016.
- 3) The court will provide call in instructions by separate order for any defendant **on release** and their counsel's participation in the hearing.
- 4) Based upon the showing set forth in the defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the hearing; and that the purposes served by continuing the hearing date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly,
  - a. **As to all defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and March 31,

2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

- b. Failing to timely file an objection to this order as provided in the local rules of this court will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 17<sup>th</sup> Day of March, 2016.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge